

# EXHIBIT 1

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IN THE DISTRICT COURT OF KEITH COUNTY, NEBRASKA

LINA ALVARADO f/k/a  
LINA GONZALES AND  
DANIEL ALVARADO,

Plaintiffs,

vs.

YVES GIROUX, CHALLENGER MOTOR  
FREIGHT, INC., AND LANE KIZZIRE,

Defendants.

Case No.: CI22- \_\_\_\_\_

**COMPLAINT**

COME NOW, the Plaintiffs, and for their cause of action against the Defendants,  
state and allege as follows:

**PARTIES**

1. The Plaintiffs are residents of Milan, Rock County, Illinois.
2. Upon information and belief, Defendant, Yves Giroux, is a resident of Cambridge, Waterloo County, Ontario, Canada.
3. Upon information and belief, Defendant, Challenger Motor Freight, Inc., is a corporation with its principal place of business located in Cambridge, Waterloo County, Ontario, Canada.
4. Upon information and belief, Defendant, Lane Kizzire, is a resident of Holdrege, Phelps County, Nebraska.

**JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter since the accident occurred in Keith County, Nebraska.

6. Venue is proper in this Court.

**GENERAL STATEMENT OF FACTS**

7. On or about April 13, 2018, Plaintiff, Daniel Alvarado, was the operator of a Ford Fusion, which was owned by Jose Gonzales.
8. On or about April 13, 2018, Plaintiff, Lina Alvarado, was a passenger in the Ford Fusion being operated by Plaintiff, Daniel Alvarado.
9. On or about April 13, 2018, Defendant, Yves Giroux, was the operator of a 2008 Volvo Truck Tractor, which was owned by Defendant, Challenger Motor Freight, Inc.
10. On or about April 13, 2018, Defendant, Lane Kizzire, was operating a 2015 Chevy Silverado pick-up truck which he owned.
11. On or about April 13, 2018, at approximately 2:58 p.m., Plaintiff, Daniel Alvarado was operating, and Plaintiff, Lina Alvarado was a passenger in, a Ford Fusion westbound on Interstate 80 near mile marker 139 in Keith County, Nebraska when they ran into blizzard conditions.
12. After running into the blizzard conditions, Plaintiffs noticed that vehicles in front of them had stopped with their hazard lights on.
13. Because of this, Plaintiff, Daniel Alvarado stopped the vehicle he was operating and engaged his hazard lights.
14. As Plaintiffs were stopped, Defendant, Lane Kizzire, operating a 2015 Chevy Silverado pick-up truck, approached Plaintiffs' vehicle from the rear.

15. After Defendant, Lane Kizzire approached Plaintiffs from the rear, a 2008 Volvo Truck Tractor being operated by Yves Giroux, which was owned by Challenger Motor Freight, Inc., rear-ended Defendant, Lane Kizzire's vehicle. In turn, Defendant, Lane Kizzire's vehicle rear-ended the Plaintiffs' vehicle.
16. None of the fault for this chain reaction lies with Plaintiffs.
17. The Defendants are jointly and severally liable for the accident.
18. The collision caused both Plaintiffs injuries and damages.

**COUNT I.  
NEGLIGENCE - YVES GIROUX**

19. Plaintiffs reincorporate and reallege each preceding paragraph.
20. The proximate cause of the aforesaid accident was the negligence of Defendant, Yves Giroux, in, among other things, failing to maintain a proper lookout, failing to have his vehicle under proper and reasonable control, failing to operate his vehicle at a speed reasonable and prudent for the conditions then and there existing, failing to brake or otherwise reduce speed prior to impact when a reasonable motorist would have recognized that a collision was imminent, and violating Nebraska's rules of the road.

**COUNT II.  
RESPONDEAT SUPERIOR - CHALLENGER MOTOR FREIGHT, INC.**

21. Plaintiffs reincorporate and reallege each preceding paragraph.
22. Defendant, Yves Giroux, was, at the time of the accident, employed by and performing job duties for Defendant, Challenger Motor Freight, Inc. His use of the

2008 Volvo Truck Tractor arose out of and in the course and scope of his employment with Defendant, Challenger Motor Freight, Inc.

23. The negligence of Defendant, Yves Giroux, is imputed to Defendant, Challenger Motor Freight, Inc., pursuant to the doctrine of Respondeat Superior.

**COUNT III.  
NEGLIGENCE – LANE KIZZIRE**

24. Plaintiffs reincorporate and reallege each preceding paragraph.
25. The proximate cause of the aforesaid accident was the negligence of Defendant, Lane Kizzire, in, among other things, failing to maintain a proper lookout, failing to have his vehicle under proper and reasonable control, failing to operate his vehicle at a speed reasonable and prudent for the conditions then and there existing, failing to brake or otherwise reduce speed prior to impact when a reasonable motorist would have recognized that a collision was imminent, and violating Nebraska's rules of the road.

**LINA ALVARADO'S DAMAGES**

26. As a result of the accident, Defendant, Lina Alvarado, suffered bodily injuries and to this day remains so injured.
27. As a result of her injuries, Lina incurred medical bills related to the treatment of her injuries.
28. As a further result of her injuries, Lina has experienced pain and suffering, both mental and physical, to-date, and is reasonably certain to experience pain in the future.

29. As a further result of her injuries, Lina will require future medical care and treatment in an amount not yet certain.

30. As a result of her injuries, Lina has experienced a loss of wages and will experience a future loss of earning capacity.

#### **DANIEL ALVARADO'S DAMAGES**

31. As a result of the accident, Defendant, Daniel Alvarado, suffered bodily injuries and to this day remains so injured.

32. As a result of his injuries, Daniel incurred medical bills related to the treatment of his injuries.

33. As a further result of his injuries, Daniel has experienced pain and suffering, both mental and physical, to-date, and is reasonably certain to experience pain in the future.

34. As a further result of his injuries, Daniel will require future medical care and treatment in an amount not yet certain.

35. As a result of his injuries, Daniel has experienced a loss of wages and will experience a future loss of earning capacity.

WHEREFORE, Plaintiffs pray for judgments against Defendants for special damages to be proven at trial, general damages, the costs of this action, and for such other and further relief as this Court may deem proper.

#### **DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "WH Larson".

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